

Remarks

Claims 1-22 were pending in the application. Claims 1-4, 6, 10, 11 and 13 are canceled herein without prejudice or disclaimer. Claims 5, 7-9, 12, 16, 17 and 20 are currently amended. Claims 5, 7-9, 12 and 14-22 are presently pending.

Applicant respectfully traverses the rejections of claims 1-4, 6, 10, 11 and 13. However, in the interest of advancing the prosecution of the instant claims, Applicant has chosen to cancel claims 1-4, 6, 10, 11 and 13 without prejudice or disclaimer. Applicant intends to prosecute the subject matter of claims 1-4, 6, 10, 11 and 13 in a continuation application. The cancellation of claims 1-4, 6, 10, 11 and 13 renders the rejection of those claims moot.

The Action of April 14, 2003, objected to claims 17-19 as being dependent upon a rejected base claim, but stated that claims 17-19 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Applicant greatly appreciates the identification of allowable subject matter. Claim 17 is amended herein and rewritten in independent form, including all the limitations of original claims 1 and 6, from which claim 17 depended. The amendment is supported by original claims 1 and 6, and in the Specification at least at paragraphs 16 and 23-31.

Claims 5, 7-9, 12 and 14-16 all depend from independent claim 17. Claims 5, 7-9 and 16 are currently amended to recite dependence from claim 17. Claims 12, 14 and 15 depend from claim 9, which depends from claim 17. Thus, each of the claims originally dependent from claim 1 now depend from independent claim 17 and incorporate all the limitations of independent claim 17. As the Action of April 14, 2003 found claims 17-19 to be allowable if rewritten in independent form, Applicant asserts that claims 5, 7-9, 12 and 14-19 are all allowable.

Independent claim 20 is amended herein to recite, "An item prepared by the method of claim 17." Applicant respectfully asserts that since the method of claim 17 was found to be allowable (if rewritten in independent form) then an item prepared by the


method of claim 17 must also be allowable, as the preparation of the item necessarily involves the practice of the method. Claims 21 and 22 depend from 20 and therefore also refer to items prepared by the method of claim 17.

As discussed by telephone interview of July 2, 2003, the instant application incorporates by reference the text of U.S. Patent application 09/917,648. USSN 09/917,648 was foreign filed (PCT/US02/32359) on October 9, 2002. The instant application was filed on December 28, 2001, along with a request for nonpublication. A request to rescind the nonpublication request was filed on July 2, 2003. Applicant respectfully traverses the assertion that the incorporation by reference of an earlier filed U.S. patent application, with subsequent foreign filing of the earlier application, qualifies as a foreign filing of "an application directed to the invention disclosed in the [instant] application" under 35 U.S.C. §122(b)(2)(B)(iii). However, to avoid any possible issues concerning the pendency of the instant application, a petition to revive an unintentionally abandoned application has been filed in the instant case.

Applicant respectfully asserts that all pending claims are in condition for allowance and requests an early decision to that effect. If any issues concerning the allowability of the pending claims remain, Applicant requests the courtesy of a telephonic interview to discuss such issues.

Respectfully submitted,
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